## Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Station, (Detroit Lakes and Bamesville, Minnesota, and Enderlin, North Dakota) FEDERAL COMMUNICATIONS COMMISSION
OFFICE LEWE SECRETARY

MM Docket No. 00-53 RM-9823 RM-9950

To: Assistant Chief, Audio Division

## RESPONSE TO REQUEST FOR SUPPLEMENTAL INFORMATION

Capstar TX Limited Partnership, a subsidiary of Clear Channel Communications, Inc. (together "Clear Channel") and the licensee of KRVI(FM), Detroit Lakes, Minnesota, by its attorneys, hereby responds to the Commission's Request for Supplemental Information (the "Request"), released on September 20,2002, concerning the above-captioned proceeding, in which the Commission reallotted KRVI to Bamesville, Minnesota, as that community's first local service.' In granting the community of license change, the Commission, as proposed by T&J Broadcasting, the previous licensee of KRVI, specified an existing, owned tower as the reference site for the Barnesville allotment. The Request seeks additional information concerning the availability of the present KRVI transmitter site for use as the reference site.

As T&J Broadcasting stated in its Reply to Comments and Counterproposal, filed on May 30. 2000, KRVI "will be forced off its present tower by the DTV transition." That tower is owned by Red River Broadcast Co., LLC and used in connection with its television station,

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Clear Channel's Consolidated Opposition to Petitions for Reconsideration was filed on behalf of its subsidiary Clear Channel Broadcasting Licenses, Inc. ("CCBL"). Capstar TX Limited Partnership is, in fact, the licensee of KRVI, having acquired the station following a proforma assignment of the station's license from CCBI

KVRR(TV), Fargo, North Dakota, and the Commission has issued a construction permit for

KVRR (File No. BPCDT-19991028ACA) that specifies the tower for the station's DTV

facilities. Accordingly, given the Commission's longstanding practice of not allotting a channel

where there is no available and suitable reference site, it would be poor allocation policy for the

Commission to force upon the Barnesville allotment a reference site that will be temporary at

best. This is especially the case inasmuch as the Commission already has approved the

Barnesville allotment at the proposed reference site, in the face of contentions that it should use

the present KRVI transmitter site instead, and the approved site is actual, not theoretical. The

Commission should, therefore, affirm its Report and Order in this proceeding.

Respectfully submitted,

CAPSTAR TX LIMITED PARTNERSHIP

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Dated: November 1,2002

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## **CERTIFICATE OF SERVICE**

I, Julie Drake, a secretary in the law firm of Wiley Rein & Fielding LLP do hereby certify that I have on this 1st day of November, 2002 caused a copy of the foregoing "Response to Request for Supplemental Information" to be served by first class mail, postage prepaid, upon the following:

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